

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ZACHARY BARBEE,

Plaintiff,

v.

JEFFERSON COUNTY, et al.,

Defendants.

Case No. C05-5005RBL

ORDER ON MOTION TO  
EXCLUDE EVIDENCE

This matter comes before the Court on Defendants' Motion to exclude evidence of the cost of medical care received by Plaintiff Barbee [Dkt. #107]. They argue that pursuant to statute, the cost of that care was not and will not borne by the Plaintiff. They argue that the cost of that care is not an element of damages recoverable by him, and that that cost should not be evidence in the case.

Plaintiff argues that he has not been fully and finally absolved from potentially paying for his medical care. RCW 70.48.130, which provides for the payment of medical care for indigent inmates, also leaves open the possibility that the entity which pays for the care can later seek to recover that cost from the inmate/patient.


It is true that the statute is not well-written and apparently contradictory, but it is also true, as the Defendants argue, that subsequent case law and a settlement unique to this Defendant both preclude Jefferson County from seeking reimbursement for the medical costs they paid on Mr. Barbee's behalf.

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1 The cost incurred by Jefferson County for Mr. Barbee's medical care is not relevant to any issue in this  
2 case. Defendant's Motion [Dkt. #107] is GRANTED, and evidence of the cost of that care is EXCLUDED.

3 Dated this 14<sup>th</sup> day of April, 2006

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5 RONALD B. LEIGHTON  
6 UNITED STATES DISTRICT JUDGE  
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